

DISCUSSION OF THE AMENDMENT

Claim 1 has been amended by inserting that the polyurethane is obtained from the reaction of a diisocyanate component, a polymeric polyol component, and a chain extender as the sole components, or the reaction of the diisocyanate component, the polymeric polyol component, the chain extender and a crosslinking agent as the sole components, wherein the diisocyanate component is an aliphatic diisocyanate or alicyclic diisocyanate and containing less than 10% by mass of an aromatic diisocyanate, as supported in the specification at pages 31-36.

New Claim 24 has been added, as supported in the specification at paragraph [0087].

No new matter is believed to have been added by the above amendment. Claims 1, 4, 6-12 and 17-24 are now active in the application; Claims 13-15 stand withdrawn from consideration, but are subject to rejoinder.

REMARKS

Applicants thank the Examiner for the courtesy extended to Applicants' attorney during the interview held September 8, 2008, in the above-identified application. During the interview, Applicants' attorney explained the presently-claimed invention and why it is patentable over the applied prior art, and particularly the scope of the presently-recited polyurethane compound. The discussion is summarized and expanded upon below.

The rejections under 35 U.S.C. § 103(a) of:

Claims 1, 2, 4, 6-8, and 17-23 as unpatentable over US 6,299,977 (Takeyama et al) in view of JP 09-59881 (Ashida et al), US 4,914,764 (Mast et al), and US 3,419,533 (Dieterich), and Claims 9-12 as unpatentable over Takeyama et al in view of Ashida et al, Mast et al, and Dieterich, and further in view of US 4,525,169 (Higuchi et al), are respectfully traversed.

Applicants argued in the previous response that without the present disclosure as a guide, it is not clear why one skilled in the art would combine Dieterich with the other-applied prior art, but even if combined, the result would still not be the presently-claimed invention, because of the many other differences between the present invention and the other-applied prior art, previously discussed, and in addition, Dieterich's polyurethane plastics are prepared by reacting an active hydrogen containing compound, preferably polyhydroxy compounds (column 2, line 44ff) with an organic polyisocyanate, wherein at least one of the active hydrogen containing compound and the organic polyisocyanate contains sulfide sulfur atoms (column 1, lines 13-16 and column 2, lines 3-7), yet in then present Claim 1, the polyurethane is recited such that sulfonium groups are necessarily excluded.

The Examiner's response to this argument, as stated in the Office Action and as confirmed during the above-referenced interview, is that the claims do not exclude the presently-recited polyurethane being modified by the sulfonium groups of Dieterich.

Applicants' attorney noted during the interview that the recital of the diisocyanate component of the polyurethane in Claim 1 of the previous amendment was of the final polyurethane, not a starting material for producing the polyurethane. Nevertheless, Applicants respectfully submit that the issue is now moot in view of the above discussed amendment, wherein the polyurethane is recited as obtained from the reaction of a diisocyanate component and a polymeric polyol component, and a chain extender or a chain extender and a crosslinking agent, as the sole components, the polyurethane being optionally modified with an acryl component, with Markush groups recited for each component. Thus, the polyurethane of the present claims necessarily excludes being modified by the sulfonium groups of Dieterich.

In addition to the above arguments, Applicants continue to rely on arguments for patentability in previous responses, which arguments are hereby incorporated by reference.

For all the above reasons, it is respectfully requested that the rejections over prior art be withdrawn.

All of the presently active claims in this application are now believed to be in immediate condition for allowance. The Examiner is respectfully requested to rejoin the non-elected method claims, and in the absence of further grounds of rejection, pass this application to issue with all pending claims.

Respectfully submitted,

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